

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

OCT 17 2011

JULIA DUDLEY, CLERK  
DEPUTY CLERKUnited States of America  
v.  
ERNEST LOUIS HAIRSTONDate of Previous Judgment: 07/29/2008  
(Use Date of Last Amended Judgment if Applicable)

Case No: 4:06CR00037-1

USM No: 12424-084

Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain): \_\_\_\_\_

**III. ADDITIONAL COMMENTS**

Defendant's offense level and resulting custody range were produced by the career offender guideline, which is unaffected by the Amendment.

Except as provided above, all provisions of the judgment dated 07/29/2008 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 10-17-11

*Jackson S. Kiri*  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Senior United States District Judge  
Printed name and title